

House Energy and Commerce Committee
Subcommittee on Commerce, Manufacturing and Trade
United States House of Representatives
Industry Perspectives on the Consumer Product Safety Commission
February 10, 2016

Testimony of Erik Pritchard
Recreational Off-Highway Vehicle Association

Responses to Additional Questions for the Record

The Honorable Gregg Harper:

1. In your testimony to the subcommittee last year you highlighted the lack of scientific support for the Commission's ROV safety standard proposals. Did the Commission's approach change between then and now? If so, how did it change?

Thank you for the follow-up questions and opportunity to respond. I am not aware of any changes in the Commission's approach. In the case of ROVs, CPSC staff and the ROV industry finally were able to find common ground following numerous discussions and information exchanges.

2. The Commission recently updated its rules regarding staff participation in the voluntary standards process. During the update, the Commission acknowledged that a mixture of voluntary and mandatory standards "can increase product safety better than either mandatory or voluntary activities alone." Do you agree with that statement and do you believe that view is held throughout the Commission?

The answer depends on the circumstances of the particular industry and/or product. In the case of ROVs, the CPSC's Notice of Proposed Rulemaking (NPR) was counter-productive. CPSC staff and industry had been engaged in direct technical communications and meetings, and the issuance of the NPR had the effect of quashing those discussions. I am confident that the parties could have found agreement on a revised voluntary standard in the Fall of 2014 had the NPR not been voted out 3 to 2. Unfortunately, this experience suggests the Commission prefers rulemaking over voluntary standards, even when confronted with contradictory scientific evidence.